

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

BILLY JEFF LANE
TX-1335945-L

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DOCKETED COMPLAINT NO. 08-108

AGREED FINAL ORDER

On this the 11 day of Dec, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the licensure of Billy Jeff Lane, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Billy Jeff Lane neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Billy Jeff Lane, is a state licensed real estate appraiser, holds license number TX-1335945-L, and has been licensed by the Board during all times material to this complaint.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about October 12th, 2006, the Respondent appraised real property located at 504 King William, San Antonio, Texas 78204 ("the property").
4. On or about February 13th, 2008, the Complainant, the Bexar County Appraisal District, filed a complaint with the Board based on allegations that the Respondent had produced an appraisal report that contained potential violations of USPAP.
5. On or about February 27th, 2008, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007

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an opportunity to respond to the accusations alleged by the Complainant. Respondent's response to the complaint was received.

6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:

- a) Respondent violated the Scope of Work Rule by not performing the research necessary to develop credible assignment results;
- b) Respondent violated the Competency Rule by handling a complex appraisal assignment (i.e. a historic mansion located in the King William historic district of downtown San Antonio with extraordinary assumptions) which was outside of his scope of practice as a state licensed real estate appraiser;
- c) Respondent failed to identify the intended use of the appraiser's opinions and conclusions;
- d) Respondent failed to disclose any extraordinary assumption, hypothetical condition, or limiting condition that directly affected his analysis, opinions and conclusions;
- e) Respondent failed to identify and report the improvements description adequately by failing to provide an explanation or justification and reconciliation of the variance in the property's reported gross living area;
- f) Respondent failed to provide a brief summary of his basis and underlying rationale for his determination of the property's highest and best use;
- g) Respondent failed to provide any supporting basis, rationale and data for his site value determination;
- h) Respondent failed to collect, verify, analyze and reconcile the cost new of improvements and accrued depreciations in his cost approach;
- i) Respondent failed to employ recognized methods and techniques correctly in his cost approach for the reasons noted above;
- j) Respondent failed to employ recognized methods and techniques correctly in his sales comparison approach and did not collect, verify, analyze and reconcile comparable sales data adequately;
- k) Respondent failed to analyze a prior sale of the property which occurred within 3 years prior to the effective date of the appraisal; and,

- l) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.

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7. Respondent omitted material facts and made material misrepresentations in his appraisal report as detailed above.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE §§ 1103.451-1103.5535 (Vernon 2007).

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Scope of Work Rule; USPAP Competency Rule; USPAP Standards: 1-2(b) & 2-2(b)(ii); 1-2(h) & 2-2(b)(vii); 1-2(f) or 1-1(g) & 2-1(c); 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-5(b) & 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by omitting material facts and making material misrepresentations.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies;
- c. Attend and complete a minimum, 7 classroom-hour course in Appraising the Tough Ones or Appraising Complex Residential Properties;
 - i. No examination shall be required for this course;
- d. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in

each class. None of these required classes will count toward Respondent's continuing education requirements for licensure.

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hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.


Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

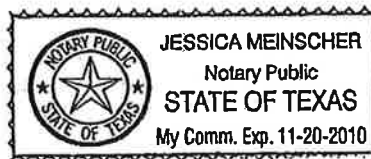
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 1st day of December, 2009.



BILLY JEFF LANE

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 1st day of December, 2009, by BILLY JEFF LANE, to certify which, witness my hand and official seal.



Notary Public Signature
Jessica Meinscher
Notary Public's Printed Name



Signed by the Commissioner this 11 day of Dec, 2009.


Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 11 day of Dec, 2009.


Clinton P. Sayers, Chairperson

